



PATENT
Docket No. 290.00420101

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): SHI et al.) Group Art Unit: 1617
)
Serial No.: 09/438,206) Examiner: San Ming R HUI
Confirmation No.: 9018)
)
Filed: 12 November 1999)
)
For: METHODS AND COMPOSITIONS FOR TREATING MAMMALIAN
SPINAL CORD INJURIES

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A PENDING SECOND APPLICATION AND
STATEMENT UNDER 37 C.F.R. § 3.73(b)

MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Petitioner, Purdue Research Foundation, a corporation of the State of Indiana, having a place of business at 3000 Kent Avenue, West Lafayette, Indiana 47906, represents that it is the exclusive owner of the entire interest in the above-identified Application by virtue of an assignment recorded at Reel 010613, Frame 0289 on 15 February 2000.

Petitioner further represents that it is the exclusive owner of the entire interest in pending second U.S. Patent Application Serial No. 10/132,542, filed 12 November 1999, as evidenced by an assignment recorded at Reel 013497, Frame 0627 on 14 November 2002. This agreement is to run with any patent granted in the instant application and to be binding upon the grantee, its successor, or assigns.

Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§154 to 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on the pending second Application Serial No. 10/132,542. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second Application are commonly owned. This agreement runs with any patent

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Terminal Disclaimer to Obviate a Double Patenting Rejection over a Pending Second Application and Statement under 37 C.F.R. §3.73(b)

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granted on the instant application and is binding upon the grantee, its successors, or assigns.

In making the above disclaimer, the Petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§154 to 156 and 173 of any patent granted on the second Application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: (1) expires for failure to pay a maintenance fee, (2) is held unenforceable, (3) is found invalid by a court of competent jurisdiction, (4) is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, (5) has all claims canceled by a reexamination certificate, (6) is reissued, or (7) is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Documents establishing the chain of title of the subject patent (including the aforementioned assignment and a recording location) have been reviewed and I certify that, to the best of my knowledge and belief, title is with the Petitioner.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

November 21, 2005
Date

PURDUE RESEARCH FOUNDATION


SignatureBruce L. Pershing

Typed or Printed Name

Investment Officer and Corporate Secretary

Title